

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.dps.texas.gov



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COMMISSION
STEVEN P. MACH, CHAIRMAN
A. CYNTHIA LEON
JASON K. PULLIAM

July 18, 2019

Via Email

Molly Redden
MuckRock News
76518-75448714@requests.muckrock.com

RE: Public Information Request for records regarding driver license applicants from Puerto Rico
(PIR # 19-2887)

Ms. Redden:

The Department received your above-referenced request on July 3, 2019. You have requested three different sets of information from the Department. Regarding numbers two and three of your request, please find enclosed the information the Department located in response to your request. These records are provided to you at no cost.

Regarding the first part of your request, the information you requested contains information that relates to:

- a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country; or
- a motor vehicle title or registration issued by an agency of this state or another state or country; or
- a personal identification document issued by an agency of this state or another state or country or a local agency authorized to issue an identification document.

Texas Government Code §552.130 excepts information found in driver license records from the Public Information Act. The disclosure of driver license record information is governed by [Chapter 730](#) and [Chapter 521, Subchapter C](#) of the Texas Transportation Code. In your request, you have not indicated any provision of the aforementioned law that allows the Department to disclose this information to you. Because driver license information is confidential under section 552.130 of the Texas Government Code and the other aforementioned law, the Department is prohibited from releasing it to you.

Regarding the first part of your request, you have requested certain information out of the driver license database concerning individuals that have Texas driver license or identification card who were born in Puerto Rico. This group of people whose information you are seeking is a class, and requesting the Department create a list of individuals that meet certain criteria (i.e. a class) is a class-type listing. Texas Transportation Code § 521.051 indicates that the Department "may not

disclose class-type listings from the basic driver's license record file to any person except as provided by Texas Transportation Code § 521.049(c), regardless of whether the requestor is eligible to receive the information under Chapter 730." Therefore, the Department is prohibited from releasing the requested information even if you can cite a provision under Chapter 730 that would normally allow disclosure of driver license record information because you are not eligible to receive class-type listing information under section 521.049(c).

Normally, we must request a ruling from the Texas Attorney General before we can withhold any of the information you requested. However, section 552.130 allows us to withhold this specific information without requesting a ruling from the attorney general.

You have the right to appeal our decision to withhold this information from you. Instructions for appeal are at the end of this letter. If you do not want to appeal, you do not need to do anything else.

If you have any questions regarding this request, please submit them in writing via facsimile to (512) 424-5716, via email to OGC.Webmaster@dps.texas.gov, via mail to the address in the letterhead, or in person at our offices at 5805 N. Lamar Blvd. in Austin. Thank you.

Cordially,

A handwritten signature in black ink, appearing to read "Brian Riemenschneider", with a long, sweeping horizontal line extending to the right.

Brian Riemenschneider
Assistant General Counsel

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How to Appeal the Withholding of Information Without an AG Ruling Requested

If you wish to appeal the withholding of information discussed on the previous page, you must send the following to the attorney general:

- (1) a signed, written statement indicating your wish to appeal the withholding of information;
- (2) the name of the governmental body that withheld information from you;
- (3) the date you made your original request for information; and
- (4) a copy of your original request for information, or if you are unable to provide a copy, a description of your original request for information.

You may also submit written comments stating why you think the information should be released to you, but you are not required to do so.

Send your appeal by mail to the attorney general at:

Open Records Division
PO Box 12548
Austin, Texas 78711-2548

Within forty-five business days after receiving all of the above-listed items necessary to file your appeal, the attorney general will issue a written ruling on the matter. You will receive a copy of this ruling in the mail.